

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13771, of BLG and Continental Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in an R-5-D District at the premises 2140-44 L Street, N.W., (Square 73, Lots 44 and 864-868).

HEARING DATE: June 16, 1982

DECISION DATE: June 16, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of L Street between 21st and 22nd Streets, N.W. It is in an R-5-D District at premises known as 2140-44 L Street, N.W.
2. The subject property is presently being operated as a parking lot pursuant to BZA Order No. 13273, dated October 15, 1980. In that Order, the Board granted the continuation of the lot for two years.
3. The applicant proposes the continuation of the lot until acquisition is made of two adjoining lots, at which time the site will be used for completion of an L-shaped building proposed on adjoining lots in the subject square. It is anticipated that any new structure will be a condominium or a cooperative apartment house.
4. The applicant further testified that the continued income from the parking lot is necessary to off-set the carrying costs of the property.
5. The subject lot serves as parking for surrounding apartment buildings, office buildings, retail and service establishments, the University Medical building, the George Washington University Hospital, the Group Health Association, a hotel and construction workers presently working on nearby buildings.
6. The subject lot provides twenty-seven spaces. Entrance to the lot is from L Street. The exit is through a public alley system to either K or L Streets.

7. The applicant complies with the conditions of the Board's prior Order.

8. The D.C. Department of Transportation by memorandum dated April 27, 1982, found that the lot in question is used for all day parking by commuters and short-term parking by customers of commercial establishments in the area. The lot was found to be clean and in good condition. The DOT had no objection to the continued operation of the lot. The Board so finds.

9. The Dupont Circle Citizens Association by letter dated June 16, 1982, opposed the granting of this application on the grounds that the applicant has not specified what type of structure or use is planned following the acquisition of two lots and if the acquisition occurs and the residential structures on those lots were removed there would be a loss of residential units. The Board finds that the applicant does contemplate development of a residential use in accordance with the R-5-D District. The Board further finds that the applicant is seeking a special exception and not a use variance. The applicant has no burden to prove that the lot cannot be used for residential purposes.

10. Advisory Neighborhood Commission 2A by report dated June 1, 1982, stated that the ANC had no objection to the application as a continued interim use before returning the site to residential use. The Board concurs in the recommendation of the ANC as to the interim use of the parking. The Board finds that the issue of the property's return to residential use is not before it in the subject special exception.

11. There was no other opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has met the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board concludes that the applicant has met its burden. The Board further concludes that the present character or future development of the neighborhood will not be adversely affected by the continued use of this parking facility.

The Board further concludes that the subject lot is necessary and convenient to the surrounding uses it proposes to serve. The continued operation of this parking facility is in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is hereby GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of TWO YEARS from the date of expiration of the previous certificate of occupancy, namely April 28, 1982, which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh, Douglas J. Patton and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 30 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.